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Total Number of Pages in This Submission

15

Application Number

09/578,672

Filing Date

5/25/2000

First Named Inventor

Cynthia Donovan

Art Unit

2145

Examiner Name

Mirza, Adnan

Attorney Docket Number

1112

**ENCLOSURES (Check all that apply)**

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form                        | <input type="checkbox"/> Assignment Papers<br>(for an Application)                         | <input type="checkbox"/> After Allowance Communication<br>to Technology Center (TC)                   |
| <input type="checkbox"/> Fee Attached   | <input type="checkbox"/> Drawing(s)  | <input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences                |
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| <input type="checkbox"/> Affidavits/declaration(s)                              | <input type="checkbox"/> Petition to Convert to a<br>Provisional Application               | <input type="checkbox"/> Status Letter  |
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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm  
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Charles E. Gotlieb

Signature

Date

February 17, 2009

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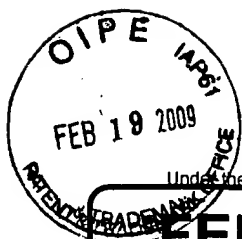
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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2003. Patent fees are subject to annual revision

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

## Complete if Known

Application Number	09/578,672
Filing Date	5/25/2000
First Named Inventor	Cynthia Donovan
Examiner Name	Mirza, Adnan
Art Unit	2145
Attorney Docket No.	1112

## METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
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07-1738

Charles E. Gotlieb

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## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	1090	2001	545	Utility filing/search/exam	
1002	380	2002	190	Design filing/search/exam	
1003	600	2003	300	Plant filing/search/exam	
1004	810	2004	405	Reissue filing/search/exam	
1005	220	2005	110	Provisional filing fee	
SUBTOTAL (1) (\$)					

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims 31 - 31 \*\* = 0 X 0 = 0  
Independent Claims 3 - 3 \*\* = 0 X 0 = 0  
Multiple Dependent 0 = 0

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1202	52	2202	26	Claims in excess of 20	
1201	220	2201	110	Independent claims in excess of 3	
1203	390	2203	195	Multiple dependent claim, if not paid	
1204	220	2204	110	**Reissue independent claims over original patent	
1205	52	2205	26	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)					

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge-late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2520	1812	2520	For filing a request for ex parte reexamination	
1804	920	1804	920	Requesting publication of SIR prior to Examiner action	
1805	1840	1805	1840	Requesting publication of SIR after Examiner action	
1251	130	2251	65	Extension for reply within first month	
1252	490	2252	245	Extension for reply within second month	
1253	1110	2253	555	Extension for reply within third month	
1254	1730	2254	865	Extension for reply within fourth month	
1255	2350	2255	1175	Extension for reply within fifth month	
1401	540	2401		Notice of Appeal	
1402	540	2402	270	Filing a brief in support of an appeal	
1403	1080	2403	540	Request for oral hearing	
1451	1510	1451	1510	Petition to institute a public use proceeding	
1452	540	2452	270	Petition to revive - unavoidable	
1453	1620	2453	810	Petition to revive - unintentional	
1501	1510	2501	755	Utility issue fee (or reissue)	
1502	860	2502	430	Design issue fee	
1503	1190	2503	595	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	810	2809	405	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	810	2810	405	For each additional invention to be examined (37 CFR 1.129(b))	
1801	810	2801	405	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

Name(Print/Type)	Charles E. Gotlieb	Registration No. (Attorney/Agent)	38,164	Telephone	650-328-0100
Signature		Date	2/17/2009		

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IN THE

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Cynthia Donovan et. al.

SERIAL NO: 09/578,672

FILING DATE: 5/25/2000

TITLE: METHOD AND APPARATUS FOR CONTROLLING ACCESS TO A WEBSITE

GROUP ART UNIT: 2145

ATTY DOCKET NO: 1112

EXAMINER Mirza, Adnan

**CERTIFICATION OF MAILING**

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CORRECTED APPEAL BRIEF

SIR:

Responsive to the Notice of Non Compliant Appeal Brief

mailed 1/15/2009

1. Real Party in Interest.

The real party in interest is Charles Schwab & Co.,  
Inc.

2. Related Appeals and Interferences.

5 Prosecution was reopened following receipt of  
Applicants' prior appeal brief. Prosecution has been  
reopened a second time. There are no other related appeals  
and interferences.

3. Status of Claims.

10 All claims are rejected. Claims 1-31 are rejected and  
are the only claims in the case. Claim 1 is rejected.  
Claim 2 is rejected. Claim 3 is rejected. Claim 4 is  
rejected. Claim 5 is rejected. Claim 6 is rejected.  
Claim 7 is rejected. Claim 8 is rejected. Claim 9 is  
15 rejected. Claim 10 is rejected. Claim 11 is rejected.  
Claim 12 is rejected. Claim 13 is rejected. Claim 14 is  
rejected. Claim 15 is rejected. Claim 16 is rejected.  
Claim 17 is rejected. Claim 18 is rejected. Claim 19 is  
rejected. Claim 20 is rejected. Claim 21 is rejected.  
20 Claim 22 is rejected. Claim 23 is rejected. Claim 24 is  
rejected. Claim 25 is rejected. Claim 26 is rejected.  
Claim 27 is rejected. Claim 28 is rejected. Claim 29 is  
rejected. Claim 30 is rejected. Claim 31 is rejected. No

claim is not rejected. The entirety of the claims are rejected. Every single claim is rejected. There are no other claims, except for the ones that are rejected.

Claims 1, 14, and 27 are being appealed after  
5 prosecution was reopened and an office action was issued following receipt of Applicants' two prior appeal briefs. Claims 1 and 14 stand or fall together. Claim 27 stands on its own.

4. Status of Amendments.

10 Amendments A-E were filed and entered in the application.

5. Summary of Claimed Subject Matter.

Claim 1 recites, "A method of processing a first request for web page, comprising:"

15 "receiving the first request for the web page; and"  
(page 39, line 18)

"transmitting, to a device from which the first request was received, at least one command to send a second request for the web page, and a first timestamp."

20 (page 41, lines 3-11)

Claim 14 recites, "A computer program product comprising a computer useable medium having computer

readable program code embodied therein" (page 9, lines 2-4) "for processing a first request for web page, the computer program product comprising:"

"computer readable program code devices" (page 9, lines 2-4) "configured to cause a computer to receive the first request for the web page; and" (page 39, line 18)

"computer readable program code devices" (page 9, lines 2-4) "configured to cause a computer to transmit, to a device from which the first request was received, at least one command to send a second request for the web page, and a first timestamp." (page 41, lines 3-11)

Claim 27 recites, "An apparatus for processing a first request for a web page, the apparatus comprising:"

"a user request router having an input coupled to an apparatus input operatively coupled for receiving the first request," (page 15, lines 16-18; page 16, lines 6-8) "the user request router for providing at an output a signal responsive to the first request received at the user request router input; and" (page 20, lines 15-16)

"a cookie/applet generator having an input coupled to the user request router output for receiving the signal," (page 20, lines 15-16) "the cookie/applet generator for providing, to a device from which the first request was

received, via a first output coupled to an apparatus output, a first indicator of at least one time to send a second request for the web page." (page 20, lines 16-23; page 18, lines 1-12)

5           6. Grounds of Rejection to be Reviewed on Appeal.

Examiner rejects claims 1, 14, and 27 under 35 U.S.C. 103(a) as being unpatentable over Christensen (U.S. Patent 6,330,605) and Guenthner (U.S. Patent 6,230,196).

          7. Argument.

10           A. Claims 1 and 14 Are Patentably Distinguishable Over Christensen and Guenthner Because Christensen and Guenthner Do Not Teach or Suggest All the Claim Limitations, Either Alone or In Combination.

          Claim 1 recites, "receiving the first request for the  
15 web page; and transmitting, to a device from which the first request was received, at least one command to send a second request for the web page".

          Claim 14 recites, "computer readable program code devices configured to cause a computer to receive the first  
20 request for the web page; and computer readable program code devices configured to cause a computer to transmit, to a device from which the first request was received, at

least one command to send a second request for the web page".

After reopening prosecution after receiving Applicants' first appeal brief, Examiner asserted in reply

5 "However Christensen did not go into details of transmitting, to a device from which the first request was received, at least one command to send a second request for the web page, and a first timestamp". Applicants didn't see anything in the most recent office action that stated  
10 that Christensen described these features generally, so we interpret this to mean Christensen doesn't show this claimed feature at all.

Examiner then pointed to a reference, Guenthner that did not send to a device that sent a request for the web  
15 page a command to send a second request for the same web page.

Examiner has now reopened prosecution again, and this time using a different reference that again fails to show the above feature.

20 Examiner has failed to show that the claimed features are known or were, at the time the invention was made, obvious to one skilled in the art, as required by the "Examination Guidelines for Determining Obviousness Under



35 U.S.C. 103 In View of the Supreme Court Decision in KSR International Co. v. Teleflex, Inc." (72 Fed. Reg. 57526); KSR International Co. v. Teleflex Inc., 127 S.Ct. 1727, 550 U.S. \_\_\_\_ (2007).

5 Examiner doesn't even attempt to show the claimed feature in the official actions being provided. Paragraph 2 on page 3 of the most recent official action doesn't even raise the claimed features. Examiner has reopened prosecution, twice, and yet has never shown the claimed  
10 feature in any reference, nor shown that such a feature was suggested anywhere. The claimed feature is distinguishable over any cited reference, and thus, is not known according to the guidelines. There is no suggestion in one reference to modify another reference to produce the claimed feature.  
15 Thus, the requirements of the Examination Guidelines above have not been met, and Applicants respectfully submit that after this many tries, it is time to allow the claim.

2. Claim 27 Is Patentably Distinguishable Over Christensen and Guenther Because Christensen and Guenther  
20 Do Not Show the Claim Feature of a Cookie/Applet Generator for Providing, to a Device from Which the First Request was Received, a First Indicator of at Least One Time to Send a Second Request for the Web Page.

Claim 27 recites, "a user request router having an input coupled to an apparatus input operatively coupled for receiving the first request, the user request router for providing at an output a signal responsive to the first request received at the user request router input; and

a cookie/applet generator having an input coupled to the user request router output for receiving the signal, the cookie/applet generator for providing, to a device from which the first request was received, via a first output coupled to an apparatus output, a first indicator of at least one time to send a second request for the web page"

Here again, after reopening prosecution, twice, Examiner's reference doesn't even hint at the claimed feature. Examiner points to Christensen, column 4, lines 43-56, but there is no structure that provides an indicator of at least one time to send a second request for a web page as claimed.

Again, Examiner has not shown that all of the claimed features were known in the cited references, or shown a suggestion in one reference to modify a different reference that would produce the claimed feature, as required by the "Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 In View of the Supreme Court Decision in KSR

International Co. v. Teleflex, Inc." (72 Fed. Reg. 57526);  
KSR International Co. v. Teleflex Inc., 127 S.Ct. 1727, 550  
U.S. \_\_\_\_ (2007). Thus, claim 27 is not obvious, and claim  
27 should be allowed.

5        Conclusion

Claims 1, 14, and 27 are patentably distinguishable  
over the cited references. Favorable action is solicited.

Respectfully Submitted

February 17, 2009

10        

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8. Claims Appendix.

1. A method of processing a first request for web page, comprising:

receiving the first request for the web page; and

transmitting, to a device from which the first request  
5 was received, at least one command to send a second request for the web page, and a first timestamp.

14. A computer program product comprising a computer useable medium having computer readable program code embodied therein for processing a first request for web page, the computer program product comprising:

5 computer readable program code devices configured to cause a computer to receive the first request for the web page; and

computer readable program code devices configured to cause a computer to transmit, to a device from which the  
10 first request was received, at least one command to send a second request for the web page, and a first timestamp.

27. An apparatus for processing a first request for a web page, the apparatus comprising:

a user request router having an input coupled to an apparatus input operatively coupled for receiving the first

5 request, the user request router for providing at an output  
a signal responsive to the first request received at the  
user request router input; and

a cookie/applet generator having an input coupled to  
the user request router output for receiving the signal,  
10 the cookie/applet generator for providing, to a device from  
which the first request was received, via a first output  
coupled to an apparatus output, a first indicator of at  
least one time to send a second request for the web page.

9. Evidence Appendix.

15

No evidence appendix is being submitted.

10. Related Proceedings Appendix.

Both appeals in this case were interrupted by reopened prosecution, and therefore Applicants are not submitting a related proceedings appendix.